

KCC 4846 (K-C 16,993)
PATENTREMARKS

Claim 105 has been amended herein. Claims 83-93, 100-102, 105, and 106 will be pending in the application following entry of the above amendments.

The following remarks are responsive to the final Office action dated June 14, 2004.

Response to Objections to the Specification

The Summary of the Invention is amended herein in response to the objections raised in paragraph 6 of the final Office action.

Response to Rejection of Claims Under 35 USC §102Claim 105

Claim 105 is directed to a disposable absorbent garment having longitudinal front and back halves defined by the lateral centerline of the article. The article has a front end and a back end and an absorbent core disposed between a liner and an outer cover. Specifically, the disposable absorbent article comprises:

- a liner adapted for contiguous relationship with a wearer's body;

- an outer cover in generally opposed relationship with the liner, at least one of said liner and said outer cover being stretchable in at least one direction, the article having a surface area defined at least in part by at least one of said liner and said outer cover; and

- an absorbent core disposed between the liner and the outer cover and having a front edge, a back edge, and a surface area which is less than about 50% of the surface

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area of the article, the front edge of the absorbent core being in a closer proximity to the front end of the article than the back edge of the absorbent core is to the back end of the article; at least a portion of the absorbent core being bonded to said at least one of said liner and said outer cover.

Amended claim 105 is submitted to be unanticipated by and patentable over the references of record, and in particular WO 96/18367 (Clear et al.) and U.S. Patent No. 5,904,673 (Roe et al.), in that whether considered alone or in combination the references fail to show or suggest a disposable absorbent garment in which an absorbent core of the article has a surface area of less than about 50 percent of the surface area of the article, a front edge of the absorbent core is in closer proximity to a front end of the article than the back edge of the absorbent core is to a back end of the article, and at least a portion of the absorbent core is bonded to a stretchable liner and/or stretchable outer cover.

Clear et al. disclose an absorbent article with a fit enhancement system wherein the absorbent article has a longitudinal centerline 100 (Figs. 1 and 2) and a transverse centerline 102. A crotch region 48 of the article is centered at the intersection of the longitudinal centerline 100 and the transverse centerline 102. Extending longitudinally outward from the crotch region one end thereof is a front fit region 45 and at the other end is a rear fit region 47. Longitudinally beyond the front and rear fit regions 45, 47 are respective front and back waist regions 46 and 44. The end edges 52 of the article are defined by the longitudinally outer edges of the waist regions 46 and 44.

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In the embodiments of both Figs. 1 and 2 of Clear et al., the front and back end edges 52 are spaced equidistant from the transverse centerline 102. The longitudinal ends 60 of the absorbent core 28 are also equidistant from the transverse centerline 102. Thus, the drawings of Clear et al. clearly fail to show or suggest the front end of the absorbent core being in closer proximity to the front end of the article than the back end of the absorbent core is to the back end of the article as recited in claim 105. Moreover, the specification of Clear et al. is silent as to the position of the front and back ends of the absorbent core relative to the front and back ends of the article, and certainly does not contradict or suggest relationship other than that shown in the drawings. Thus, the sole teaching by Clear et al. is that the front end of the absorbent core is spaced from the front end of the absorbent article the same distance that the back end of the absorbent core is spaced from the back end of the absorbent article.

The Office's reliance on Clear et al. is based solely on the disclosure by Clear et al. at page 12, line 15 through page 13, line 16, and in particular the disclosure at page 13 lines 12-15 that the fit panel in the rear fit region 45 of the article may be 1.5 to 2 times the longitudinal length of a fit panel in the front fit region 47 of the article. However, as noted above, Clear et al. fail to disclose any relationship between the ends of the absorbent core and the ends of the article, and drawings show the spacing between the front and back ends of the absorbent core to be equidistant from the front and back ends of the article. Thus, the Office's position, as best understood, is that if the rear fit region 45 is longer than the front fit region 47 as disclosed by Clear et

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al. in the passage cited by the Office, the front end of the absorbent core is inherently closer to the front end of the article than the back end of the absorbent core is to the back end of the article.

To establish inherency, the prior art "must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill. Inherency, however, may not be established by probabilities or possibilities. The mere fact that a certain thing may result from a given set of circumstances is not sufficient." In re Robertson, 49 USPQ2d 1949, 1950-51 (Fed. Cir. 1999); MPEP §2112. While Clear et al. disclose that the rear fit region may be longer than the front fit region, there is still no disclosure of the relative spacing between the front and back ends of the absorbent core and the front and back ends of the article other than the equidistant spacing shown in the drawings of Clear et al. That is, it not necessarily the case that the front end of the absorbent core is closer in proximity to the front end of the article than the back end of the absorbent core is to the back end of the article.

For example, the topsheet and backsheet longitudinally inward of the fit regions 45, 47 may be shortened (or lengthened) at one end to compensate for the longer back fit region, or the waist region longitudinally outward of the fit regions 45, 47 may be shortened (or lengthened) at one end to compensate for the longer back fit region. Such a configuration is certainly consistent with the drawings of Clear et al. which show the ends of the article being equidistant from the transverse centerline 102 of the article

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and the ends of the absorbent core equidistant from the ends of the article.

Thus, Clear et al. do not disclose, explicitly or inherently, a front edge of an absorbent core disposed closer in proximity to the front edge of the article than a back edge of the absorbent core is to the back end of the article.

For these reasons, claim 105 as amended is submitted to be unanticipated by and patentable over Clear et al. for at least the above reasons.

Roe et al. disclose an absorbent article (e.g., a diaper) 20 having a generally "T-shape" comprising a liquid impervious topsheet 24, a liquid impervious backsheet 26, an absorbent core 28 between the topsheet and backsheet and an extensible waist belt 32. However, there is no disclosure or suggestion found anywhere in Roe et al. that the topsheet 24 or the backsheet 26 is stretchable. Moreover, Roe et al. fail to show or suggest that at least a portion of the absorbent core 28 is bonded to a stretchable topsheet 24 and/or stretchable backsheet 26. Rather, only the waist belt 32 is indicated as being extensible, and the absorbent core 28 of Roe et al. is not bonded to, nor does it even extend within, the waist belt. The passages cited by the Office as disclosing a stretchable liner and/or outer cover are directed only to construction of the waist belt, and not to any portion of the liner/outer cover between which the absorbent core is disposed.

For these reasons, claim 105 is submitted to be unanticipated by and patentable over Roe et al.

In view of the above, claim 105 as amended herein is submitted to be unanticipated by and patentable over the references of record.

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Claims 83-94, 100-102, and 106 depend directly or indirectly from amended claim 105 and are submitted to be patentable over the references of record for the same reasons as claim 105.

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CONCLUSION

In view of the above, applicants respectfully request favorable consideration and allowance of claims 83-93, 100-102, 105, and 106 as now presented.

Respectfully submitted,



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